

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 23070 of 2007(U)

PETITIONER:

**N.P.ABDUL SALAM HAJI, AGED 52,
S/O MOIDU HAJI, RIVER VIEW,
MARKET ROAD, NILESWAR.**

**BY ADV. SRI.B.RAMACHANDRAN
SMT.JOLIMA GEORGE
SMT.P.N.INDU**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY
SECRETARY, MINISTRY OF LOCAL ADMINISTRATION,
GOVT. SECRETARIATE, THIRUVANANTHAPURAM.**
- 2. NILESWAR GRAMA PANCHAYAT, NILESWAR,
REPRESENTED BY ITS SECRETARY.**
- 3. A.PRAMEELA, W/O P.KUNHIKANNAN,
GEETHA NIVAS, PADINHATTAMKOZHUVAL,
NILESWAR.**
- 4. PANCHAYAT COUNCIL,
NILESWAR GRAMA PANCHAYAT, REPRESENTED BY
PRESIDENT.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.K.J.MOHAMMED ANZAR
R2 ADV. SRI.T.MADHU (SC)
R3 ADV. SRI.VIPINDAS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.M.JOSEPH, J.

WP.(C) No. 23070 of 2007

Dated this the 30th day of July, 2007

JUDGMENT

Petitioner has approached this court earlier in regard to the decision to demolish the wall put up by the petitioner. Petitioner was directed to file appeal by the judgment in W.P.(C) 13892 of 2007. The prayer in the writ petition is to direct the Deputy Director of Panchayat to hear and pass orders on Ext.P1 appeal as the fourth respondent is highly biased and to direct the third respondent to issue copy of the order, if any, passed in Ext.P1 appeal to the petitioner and afford sufficient opportunity to him to challenge the same, if the order is against him, before implementing the order.

2. I heard learned counsel for the third respondent, second respondent and fourth respondent besides the learned Government Pleader.

3. As regards the prayer to direct the Deputy Director of Panchayat to hear and pass orders in Ext.P1 appeal on the ground of alleged bias, I am not inclined to grant the said prayer. I do not think

that the petitioner has made out a case for directing the Deputy Director of Panchayat to hear the appeal. Having regard to all facts the writ petition is disposed of directing that if the order in appeal is adverse to the petitioner, it shall be kept in abeyance for a period of three weeks from the date of communication of the order to the petitioner.

(K.M. JOSEPH, JUDGE)

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